



UNIVERSITY OF  
TORONTO  
FACULTY OF LAW

BORA LASKIN LAW LIBRARY  
3 1761 06096526 6

**DISCRIMINATION LAW:  
EQUALITY IN THE PRIVATE SECTOR**

2006-2007

Volume 2

Professor Denise Réaume

Faculty of Law  
University of Toronto

BORA LASKIN LIBRARY

OCT 1 7 1

FACULTY OF LAW  
UNIVERSITY OF TORONTO

**DISCRIMINATION LAW:**  
**EQUALITY IN THE PRIVATE SECTOR**

2006-2007

Volume 2

Professor Denise Réaume

Faculty of Law  
University of Toronto



Digitized by the Internet Archive  
in 2018 with funding from  
University of Toronto

[https://archive.org/details/discriminationla02raum\\_5](https://archive.org/details/discriminationla02raum_5)

# DISCRIMINATION LAW: EQUALITY IN THE PRIVATE SECTOR

2006-2007

## Table of Contents

### Volume 2

#### PART II continued

#### 3. LIMITS ON THE RIGHT NOT TO BE DISCRIMINATED AGAINST

##### *A. Bona fide Requirements and Reasonable Accommodation: One Limit or Two?*

Note.....	209
<i>Ontario Human Rights Commission v. Borough of Etobicoke</i> .....	210
<i>Large v. Stratford (City)</i> .....	213
Note.....	216
<i>Bhinder v. CN.</i> .....	218
Note.....	222
<i>Brossard v. Québec (Commission des droit de la personne)</i> .....	223
<i>Saskatchewan (HRC) v. Saskatoon (City)</i> .....	229
<i>Central Alberta Dairy Pool v. Alberta (Human Rights Commission)</i> .....	234
<i>Large v. Stratford (City)</i> .....	240
<i>Chambly, Commission Scolaire Régionale v. Bergevin</i> .....	244
Day & Brodsky, “The Duty to Accommodate: Who will Benefit” .....	249

##### *B. Identifying the Right Comparator Group: The “Because of...” Issue Revisited*

<i>Canada (Canadian H. R. Com'n v. Canada (C.H.R.T) (Dumont-Ferlatte)</i> .....	257
<i>Ontario Nurses Association v. Orillia Soldiers Memorial Hospital et al.</i> .....	262
Note: <i>Ouimette v. Lily Cups</i> .....	265
<i>Bhaduria v. Toronto (City) Bd. of Education</i> .....	266
<i>Wong v. Ottawa Board of Education (No. 3)</i> .....	284

##### *C. A New Start: A Unified Structure*

<i>British Columbia v. BCGSEU (Meiorin)</i> .....	294
---	-----

#### **4. A CLOSER LOOK AT ‘*BONAFIDE REQUIREMENTS*’, ‘REASONABLE ACCOMMODATION’, AND ‘UNDUE HARSHSHIP’**

<i>B.C. (Superintendent of Motor Vehicles) v. B.C. (Council of Human Rights) (Grismar)</i> .....	311
<i>Ontario Nurses Association v. Orillia Soldiers Memorial Hospital et al.</i> .....	317
<i>Central Okanagan School District No. 23 v. Renaud</i> .....	324
<i>Re Dominion Colour Corp.</i> .....	328
<i>Ontario Human Rights Commission v. Ford Motor Company (Roosma)</i> .....	343
<i>Bubb-Clarke v. TTC (No. 3)</i> .....	354
<i>Howard v. University of British Columbia</i> .....	355
<i>Turnbull v. Famous Players Inc</i> .....	361
<i>Pannu v. Skeena Cellulose</i> .....	368
<i>Entrop v. Imperial Oil</i> .....	379
Note: <i>Oak Bay Marina v. B.C. (H.R.T.)</i> .....	393
<i>Nixon v. Vancouver Rape Relief Society</i> .....	395
<i>Johnston v. St. James Community Service Society (No. 1)</i> .....	399
<i>Kavanagh v. Canada (Attorney General) (CHRT)</i> .....	403
<i>Canada (Attorney General) v. Canada (HRC.) and Kavanagh (Fed.Ct.)</i> .....	411
<i>B.C. v. Hutchinson (No.4)</i> .....	413

#### **5. THE INFLUENCE OF S. 15**

<i>Gwinner v. Alberta</i> .....	427
<i>Canada v. M.N.R (Wignall)</i> .....	450
<i>B.C. v. Hutchinson (No. 4)</i> .....	454
<i>B.C. v. Hutchinson (No. 2)</i> .....	460
<i>BCGSEU v. BC (McAllister)</i> .....	466

#### **6. EXEMPTIONS FROM THE DUTY NOT TO DISCRIMINATE: CONFLICTS BETWEEN HUMAN RIGHTS**

<i>Caldwell v. St. Thomas Aquinas High School</i> .....	469
<i>Brossard v. Québec</i> .....	478
Note: <i>Daly v. Ontario</i> .....	488
<i>Garrod v. Rhema Christian Schools</i> .....	489

<i>Parks v. Christian Horizons</i> .....	503
Note: <i>Trinity Western University v. British Columbia College of Teachers</i> .....	511
<i>Nixon v. Vancouver Rape Relief Society</i> .....	512
<i>Nixon</i> (B.C.C.A.) .....	516
<i>Smith &amp; Chymyshyn v. Knights of Columbus</i> .....	520

